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Remarks

The present response is to the Office Action mailed in the above-referenced case on November 29, 2006. This is the first examination after an Appeal filed by applicant wherein the prosecution of the application is reopened. Claims 1-25 are standing for examination. Claims 1-9 and 18-27 are rejected under 35 U.S.C. 112, second paragraph. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor.

Applicant has carefully studied the prior art of Lawlor and the Examiner's rejections and statements in the instant Office Action. In response, applicant herein provides amendments to overcome the 112 rejection of claims 1 and 18. Claim 10 is herein amended to more particularly point out the patentable features of applicant's invention over that of Lawlor. Claim 11 is herein cancelled. Applicant presents arguments which clearly show the claims, as amended are clearly patentable over the art presented and relied upon by the Examiner.

Regarding the 112 rejection, applicant herein amends claims 1 and 18 to remove the ambiguous language objected to by the Examiner. The claims now read that the funds "are" transferred and "initiated" replacing the "may be" language. Further the "transparent language is corrected in claim 1.

Regarding the 103(a) rejection relying upon the art of Lawlor, Applicant points out that Lawlor clearly fails to teach any of the limitations of original claims 11-17 and the Examiner fails to give any reasoning why the artisan would consider the teaching in the present invention, which is required in a valid 103(a) rejection.

Applicant herein amends claim 10 to positively recite that the communication between financial institutions occurs on the Internet and by proxy on behalf of the user.

Applicant points out that Lawlor provides proprietary remote ATM machines at a user's premises. All transactions occur on a secure proprietary network (ATM) between financial institutions. Monetary transfers between financial institutions occur over said network, the user entering PINs for access to financial accounts. Lawlor clearly fails to teach said limitation and teaches away from proxy or Internet capability. Lawlor teaches connecting to financial institutions via direct dialed modem connection or the secure

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ATM connection via the proprietary terminal at the user's premises wherein transfers occur in POS (Col. 20, lines 29-69).

Therefore, applicant believes that claim 10, as amended is clearly patentable over the art of Lawlor as argued above. Claims 12-17 are patentable on their own merits, or at least as depended from a patentable claim.

Because the Examiner failed to reject independent claims 1 and 18 on their merits, providing valid prior art, claims 1 and 18 are also clearly patentable. Claims 2-9 and 19-25 are patentable on their own merits or at least as depended from a patentable claim.

As all of the claims as amended and argued above have been clearly shown to be patentable over the prior art presented by the Examiner, applicant respectfully requests that the rejections be withdrawn after Final, and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully submitted,
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